

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 8. ARIZONA STATE PARKS BOARD

PREAMBLE

1. Sections Affected
R12-8-109
Exhibit A
- Rulemaking Action
Amend
Amend
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Authorizing statute: A.R.S. § 41-511.05(8)
Implementing statute: A.R.S. § 41-511.05(8)
3. The effective date of the rules:
March 2, 1998
4. A list of all previous notices appearing in the Register addressing the exempt rule:
Notices of Exempt Rulemaking: 3 A.A.R. 46, January 3, 1997
Notices of Exempt Rulemaking: 4 A.A.R. 35, January 2, 1998
5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
Name: Randy Miller
Address: Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007
Telephone: (602) 542-6925
Fax: (602) 542-4180
6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:

R12-8-109, Fees and Permits, set the fees for visitor use and commercial use at Arizona State Parks. Each year, the Arizona State Parks Board reviews its fee structure and approves adjustments for the ensuing calendar year. In its analysis, Arizona State Parks reviews fee structures of surrounding states; reviews operating and development costs of the State Park System; reviews the public demand for park services and subsequent impacts of visitor use on park resources. State Parks actively pursues public input into the fee structure through regional meetings throughout the state.

At the October 16, 1997, Board meeting, the Agency's 1998 Fee Schedule with the proposed fee changes was presented to the Board for consideration. Information concerning the annual review and public hearing comments were discussed with the Board. The Board approved the changes as recommended. However, the Board was concerned about not raising the Commercial Use Fee, and requested that the staff reassess this fee and bring a recommendation to the January Board Meeting.

On November 25, 1997, the staff met with 7 primary users at the Water Safety Center in Lake Havasu City. The Commercial Use Fee schedule, proposed changes and the Board's concerns were discussed with the group. Various options, concerns and recommendations were presented by the users. The final proposal that was recommended by the users was a modification in the permit administration with a fee increase. This proposal separates users into 2 categories based on the users primary business activity, "Retail Users" and "Rental Users."

The "Retail" permit would be \$250 for the 1st permit and \$100 for 1 additional permit. The maximum number of passes allowed per user is 2. The "Rental" permit would be \$300 for the 1st permit and \$100 for 1 additional permit. The maximum number of passes allowed per user is 2. These recommendations were adopted by the Board on January 15, 1998.

Rule changes for March 1998 can be summarized as follows:

- Commercial Vehicle Access Permits will now be separated into 2 categories: Rental Business and Retail Business Permits.
 - Rental Business Permits will be \$300 for the 1st permit and \$100 for the 2nd permit. Maximum number of Permits allowed per user is 2.
 - Retail Business Permits will be \$250 for the 1st permit and \$100 for the 2nd permit. Maximum number of permits allowed per user is 2.
7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable.
 8. The summary of the economic, small business, and consumer impact:
Not applicable.
 9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):
See question #6.
 10. A summary of the principal comments and the agency response to them:
Not applicable.
 11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.
 12. Incorporations by reference and their location in the rules:
Not applicable.
 13. Was this rule previously adopted as an emergency rule?
No.
 14. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 8. ARIZONA STATE PARKS BOARD

ARTICLE 1. GENERAL PROVISIONS

Section

R12-8-109. Fees and Permits

ARTICLE 1. GENERAL PROVISIONS

R12-8-109. Fees and Permits

- A. Annual Fee Review. The Board shall annually review and set fees for entrance, camping, and overnight parking at state park facilities. The fees shall be posted at each state park and printed in appropriate state park literature for public information. Fees shall be based upon analysis of the following criteria:
 1. Fee and permit charges by state park agencies of the 11 western states and similar facilities within Arizona,
 2. Arizona State Parks operational and developmental costs,
 3. Public demand for services, and
 4. Impacts upon park resources.
- B. Entrance fees, permits, or both. Entrance, camping, and overnight parking fees for each park can be found in Exhibit A. A fee will not be charged for private vehicles or individuals requesting a 15 minute or less preview of a recreation park.
- C. Special Use Fees. The Director may negotiate a specific fee

for special uses. The range for noncommercial and commercial uses at state park facilities shall be the fee charged unless the Executive Director determines that an increase is justified based upon analysis of the following criteria:

1. Park expenses resulting from the special use,
 2. Loss of revenue resulting from the special use,
 3. Impacts upon park resources and visitors as a result of the special use, or
 4. The goodwill produced by informing or educating the public.
- D. Special interpretive fees. A special interpretive fee for events sponsored by state parks may be assessed or park fees during the event may be waived. If assessed, this fee shall be established by the Executive Director according to the criteria specified in subsection (C). Special interpretive fees shall be established in advance of the event and posted as stated in this rule.
 - E. Commercial Vehicle Access Permit (CVAP) will be required by any person that enters a state park to conduct any portion of a business that is not covered by a concession agreement or special use permit. Permits will be issued either as Rental Businesses or Retail Businesses.

Arizona Administrative Register
Notices of Exempt Rulemaking

Exhibit A.
ARIZONA STATE PARKS
1998 REGULAR FEE SCHEDULE
Effective January 1, 1998

HISTORIC & CONSERVATION PARKS

	AGE GROUPS			* GROUP DISCOUNTS (Adult Fees)			OTHER REGULAR FEES (all parks)	
	Ages 0-6	Ages 7-13	Ages 14 & Up	7-12 Persons	13-18 Persons	19 Persons & Up		
Boyce Thompson	(Separate Fee Schedule)						Group Day-Use Reserv.:	\$10.00 - \$50.00
Oracle	(\$4/Vehicle or Special Program Fees)						Group Camping Reserv.:	\$25.00 - \$50.00
Homolovi Ruins	(See Recreation Parks Below)						Overnight Parking:	\$3.00
Fort Verde	free	1.00	2.00	1.80	1.60	1.40	Annual Permit (Unlimited):	\$65.00
Jerome	free	1.00	2.50	2.25	2.00	1.75	Annual Permit (Limited):	\$35.00
McFarland	free	1.00	2.00	1.80	1.60	1.40	Commercial Permit: Rental	\$200.00
Red Rock	(See Recreation Parks Below)						Commercial Permit:	\$300.00
Riordan	free	2.50	4.00	3.60	3.20	2.80	Rental: 2nd Pass	\$100.00
Tombstone	free	1.00	2.50	2.25	2.00	1.75	Commercial Permit: Retail:	\$250.00
Tubac	free	1.00	2.00	1.80	1.60	1.40	Commercial Permit: Retail:	\$100.00
Yuma Territorial Pr	free	2.00	3.00	2.70	2.40	1.40	2nd Pass	
Yuma Crossing	free	2.00	3.00	1.80	1.60	1.40		

* All persons in a group, regardless of age, apply toward a group's number, but only adult fees are discounted.

INTERPRETIVE PROGRAM FEES (per person)	
Special Interp. Program:	1.00
Interp. Prog. (Yuma Ctr.)	2.00

RECREATION PARKS

	DAILY ENTRANCE		NIGHTLY CAMPING			SPECIAL/LONG-TERM RATES		
	Individual/ Bicycle	Per Vehicle (1 - 4 Persons)	Campsite	Hook-Up Site	Cabana or Boat Site	Campsite	Hook-Up Site	Cabana/Boat Site
Alamo	1.00	4.00	8.00-10.00	15.00		40.00-50.00	65.00	
Buckskin Mountain **	1.00	4.00 / 7.00		15.00	20.00		75.00	75.00
Buckskin River Island **	1.00	4.00 / 7.00	12.00	15.00		60.00		
Catalina	1.00	4.00	10.00	15.00		50.00	75.00	
Cattail Cove **	1.00	4.00 / 7.00	10.00	15.00	10.00	50.00	75.00	50.00
Dead Horse Ranch	1.00	4.00	10.00	15.00		50.00	75.00	
Fool Hollow	1.00	5.00	10.00	15.00		50.00	75.00	
Homolovi Ruins	1.00	4.00	10.00	15.00		50.00	75.00	
Lake Havasu **	1.00	4.00 / 7.00	10.00-12.00		10.00	50.00-60.00		50.00
Lost Dutchman	1.00	4.00	10.00			50.00		
Lyman Lake	1.00	4.00	10.00	15.00		50.00	75.00	
Patagonia Lake	1.00	5.00	10.00	15.00	10.00	50.00	75.00	50.00
Picacho Peak	1.00	4.00	10.00	15.00		50.00	75.00	
Red Rock	1.00	5.00	(Fees charged only for education-related groups: \$10.00 per group of 1-6 persons)					
Roper Lake	1.00	4.00	10.00	15.00		50.00	75.00	
Slide Rock	1.00	5.00						
Tonto Natural Bridge	1.00	5.00						

** Denotes parks that charge the higher daily fee on weekends and State-observed holidays.